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Please reply to New Jersey



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June 23, 2009

Via E-File

Magistrate Judge Patty Shwartz
USDC District Court of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Wei Ngai, et al. v. Old Navy, et al.
Civil Action No. 2:07-cv-05653

Dear Judge Shwartz:

The purpose of letter is to respond to Your Honor's inquiry as to Plaintiff's position regarding the Motion of Scott Feringa, requesting withdrawal of appearance pursuant to L. Civ. R. 102.1. Kindly accept this letter in lieu of a more formal response.

Pursuant to George v. Siemens Industrial Automation, Inc., 182 F.R.D. 134 (D.N.J. 1998), the undersigned requests to view any and all documents submitted in support of Attorney Feringa's motion to withdraw as Gap's counsel (which were provided to the court for an *in camera* review) that do not fall within the Attorney-Client Privilege. This is including but not limited to the following exceptions to the Attorney-Client Privilege: 1) any communications between an attorney and client in the course of legal service sought or obtained in aid of the commission of a crime or fraud; 2) "At-issue" Exception, which the Court in George describes as, "When a party to a lawsuit puts protected information at issue by making it relevant to the case, and the application of the privilege would deny the opposing party access to the information vital to its defense." Id. (citing Hearn v. Rhay, 68 F.R.D. 584 (E.D.Wash. 1975)).

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Plaintiff asserts that if any and/or all of the documents submitted by Defendant in support of the Motion for Withdrawal of Appearance for Scott Feringa fall outside of the Attorney-Client Privilege, such submissions must be disclosed to Plaintiff.

Additionally, Plaintiff objects to the relief sought to the extent it will delay the trial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rosemarie Arnold', with a large, stylized loop at the end.

ROSEMARIE ARNOLD

RA:tw

cc: George Psak, Esq.
Scott Feringa, Esq.